

Commissioners
Samantha Murray, President
Del Mar
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McKinleyville
Eric Sklar, Member
Saint Helena
Vacant, Member

STATE OF CALIFORNIA
Gavin Newsom, Governor

Melissa Miller-Henson
Executive Director
P.O. Box 944209
Sacramento, CA 94244-2090
(916) 653-4899
fgc@fgc.ca.gov
www.fgc.ca.gov

Fish and Game Commission



*Wildlife Heritage and Conservation
Since 1870*

MEETING AGENDA April 20-21, 2022

**Monterey County Fair & Event Center, Seaside Room
2004 Fairground Road, Monterey, CA 93940**

and

Webinar/Teleconference

and

**Trinidad Rancheria, Administrative Office Conference Room
1 Cher-Ae Lane, Trinidad, CA 95570**

The meeting will be live streamed; visit www.fgc.ca.gov the day of the meeting to watch or listen. To provide public comment during the meeting, please join at an in-person location, via Zoom, or by telephone; [click here for instructions on how to join.](#)

Note: See important meeting deadlines and procedures, including written public comment deadlines, starting on page 12. Unless otherwise indicated, the California Department of Fish and Wildlife is identified as Department.

DAY 1 – April 20, 2022, 8:30 AM

CALL TO ORDER/ROLL CALL TO ESTABLISH QUORUM

- 1. Consider approving agenda and order of items**

GENERAL PUBLIC COMMENT

- 2. General public comment for items not on the agenda**

Receive public comment regarding topics within the Commission's authority that are not included on the agenda.

Note: New petitions for regulation change submitted since the previous meeting are now received under the agenda item "Regulation change petitions."

Note: The Commission may not discuss or take action on any matter raised during this item, except to decide whether to place the matter on the agenda of a future meeting (sections 11125 and 11125.7(a), California Government Code).

DISCUSSION AND ACTION ITEMS

3. Commission executive director and Department reports

Receive updates on items of note since the previous Commission meeting.

(A) **Commission executive director's report**

(B) **Department director and Law Enforcement Division**

4. Justice, equity, diversity and inclusion

Receive and discuss an update on developing the justice, equity, diversity, and inclusion (JEDI) plan.

5. Clarification of allowed and prohibited uses for state marine recreational management areas (SMRMAs)

Consider authorizing publication of notice of intent to amend regulations to clarify allowed and prohibited uses for SMRMAs.

(Amend subsections 632(b)(9), (37), (41), (42), and (91), Title 14, CCR)

6. Recreational clam, sand crab, and shrimp gear

Consider adopting proposed regulations to continue the emergency regulations prohibiting use of hydraulic pump gear for recreational take of clams, sand crab and shrimp through a regular rulemaking.

(Amend sections 29.05, 29.20 and 29.80, Title 14, CCR)

7. Pink (ocean) shrimp fishery management plan

Consider adopting *Pink (Ocean) Shrimp*, *Pandalus jordani*, *Fishery Management Plan*. (Pursuant to Section 7075, et seq., Fish and Game Code)

8. Pending aquaculture lease amendment requests

(A) **Tomales Bay Oyster Company**

Consider approving Department recommendation to approve adding new methods and further evaluate new species requested for State Water Bottom Lease No. M-430-05 in Tomales Bay.

(Pursuant to Section 15400, Fish and Game Code)

(B) **Hog Island Oyster Company**

Receive updated request and Department recommendation concerning request to authorize harvest of edible macroalgal species naturally recruited on aquaculture gear for state water bottom lease nos. M-430-10, M-430-11, M-430-12, and M-430-15 in Tomales Bay.

(Pursuant to Section 15400, California Fish and Game Code)

Potential action is expected to be scheduled for the June 15-16, 2022 meeting.

9. Regulation change petitions (marine)

(A) **New petitions**

Receive new petitions for regulation change.

Consideration of whether to grant, deny, or refer for additional review is expected to be scheduled for the June 15-16, 2022 meeting.

- (B) ***Previously received petitions – None scheduled***
Consider whether to grant, deny, or refer for additional review, petitions for regulation change received at previous meetings. Any petitions granted today will be added to the Commission’s rulemaking calendar for development and future consideration. (Pursuant to Section 662, Title 14, CCR)

10. Non-regulatory requests from previous meetings (marine)

Consider and potentially act on requests for non-regulatory action received from members of the public at previous meetings.

11. Licensing and permitting decisions to rely upon as precedent

Consider designating past Commission licensing and permitting decisions as precedent. (Pursuant to Section 11425.60, Government Code)

12. Committee and Department reports

Receive updates on items of note since the previous Commission meeting.

(A) ***Marine Resources Committee***

Receive summary and consider approving recommendations from the March 24, 2022 committee meeting. Discuss referred topics and consider revisions to topics and timing.

(B) ***Department Marine Region***

- I. Update on annual recreational ocean salmon and Pacific halibut regulations, and automatic conformance to federal regulations.

(C) ***Tribal Committee***

Receive verbal summary and consider approving recommendations from the April 19, 2022 committee meeting. Discuss referred topics and consider revisions to topics and timing.

DAY 2 – April 21, 2022, 8:30 AM

CALL TO ORDER/ROLL CALL TO ESTABLISH QUORUM

PUBLIC COMMENT

13. General public comment for items not on the agenda

Receive public comment regarding topics within the Commission’s authority that are not included on the agenda.

Note: New petitions for regulation change submitted since the previous meeting are now received under the agenda item “Regulation change petitions.”

Note: The Commission may not discuss or take action on any matter raised during this item, except to decide whether to place the matter on the agenda of a future meeting (sections 11125 and 11125.7(a), Government Code).

CONSENT ITEMS

Note: Items on the consent calendar are expected to be routine and non-controversial. After public comment, the Commission will consider approving items on the consent calendar in a single vote without discussion. The presiding commissioner may choose to remove any item from the consent calendar and allow a separate discussion and potential action on that item in response to a request by a Commission member, staff, or an interested person.

14. Five-year private lands wildlife habitat enhancement and management area (PLM) plans

Consider approving five-year PLM plans and 2022-2026 licenses for:
(Pursuant to Section 601, Title 14, CCR)

- (A) San Benito County
 - I. Lewis Ranch
 - II. Trinchero Ranch
- (B) San Luis Obispo County
 - I. Avenales Ranch

15. Annual PLM plans

Consider approving annual PLM plans and 2022/2023 licenses for:
(Pursuant to Section 601, Title 14, CCR)

- (A) Del Norte County
 - I. Alexandre Ecodairy Farms PLM
 - II. Smith River PLM
- (B) Humboldt County
 - I. Big Lagoon
 - II. Cottrell Ranch
 - III. Diamond C Outfitters
 - IV. Hunter Ranch
 - V. Klamath PLM
 - VI. Rainbow Ridge PLM
 - VII. Redwood House Ranch
 - VIII. Wiggins Ranch
- (C) Kern/Los Angeles counties
 - I. Tejon Ranch
- (D) Mendocino County
 - I. Ackerman-South Daugherty WMA
 - II. Amann Ranch
 - III. Antler Hill Ranch
 - IV. Bridges Ranch
 - V. Capistran Ranch
 - VI. Carley Ranch
 - VII. Christensen Ranch
 - VIII. Eden Valley Ranch
 - IX. Miller-Eriksen Ranch
 - X. Schneider Ranch

- XI. Seven Springs Ranch
- XII. Shamrock Ranch
- XIII. Six Point Ranch
- XIV. Summer Camp Ranch
- (E) Merced County
 - I. DeFrancesco-Eaton Ranch
- (F) Monterey County
 - I. Alexander Ranch
 - II. Gabilan Ranch
 - III. Hartnell Ranch
 - IV. Indian Valley Cattle Company (Lombardo Ranch)
 - V. Peachtree Ranch
 - VI. San Bartolome Ranch PLM
 - VII. SkyRose Ranch, LLC PLM
 - VIII. Work Ranch
- (G) Monterey/San Benito counties
 - I. Morisoli Ranch
- (H) Monterey/San Luis Obispo counties
 - I. Camp 5 Outfitters – Roth Ranch PLM
- (I) San Benito County
 - I. Lone Ranch
 - II. Rancho La Cuesta
- (J) San Luis Obispo County
 - I. Carnaza Ranch
 - II. Carrizo Ranch
 - III. Chimney Rock Ranch
 - IV. Clark & White Ranches
 - V. D-Rafter-“L” Ranch, LLC
 - VI. Hearst Ranch
- (K) San Luis Obispo and Kern counties
 - I. Temblor Ranch
- (L) Shasta County
 - I. Stackhouse Ranch
- (M) Stanislaus County
 - I. Rooster Comb Ranch
- (N) Tehama County
 - I. 3D Ranch
 - II. Bell Ranch
 - III. R Wild Horse Ranch
- (O) Trinity County
 - I. Stewart Ranch
 - II. Travis Ranch

16. Wild Trout Waters

Receive Department recommendation and consider adopting proposed amendments to the Commission's Designated Wild Trout Waters policy.
(Pursuant to Section 1727, Fish and Game Code)

17. Inyo rock daisy

Consider approving the Department's request for a 30-day extension to review the petition to list Inyo rock daisy (*Perityle inyoensis* synonym *Laphami inyoensis*) as threatened or endangered under the California Endangered Species Act (CESA).
(Pursuant to Section 2073.5, Fish and Game Code)

18. Temblor legless lizard

Receive the Department's 90-day evaluation report on the petition to list Temblor legless lizard (*Anniella alexanderae*) as threatened or endangered under CESA.
(Pursuant to Section 2074.2, Fish and Game Code)

19. Western Joshua tree

Receive the Department's one-year status review report on the petition to list western Joshua tree (*Yucca brevifolia*) as threatened under CESA.
(Pursuant to Section 2074.6, Fish and Game Code)

20. Milo Baker's lupine

Receive the Department's one-year status review report on the petition to change the status of Milo Baker's lupine (*Lupinus milo-bakeri*) from threatened to endangered under CESA.
(Pursuant to Section 2074.6, Fish and Game Code)

DISCUSSION, ACTION, AND INFORMATIONAL ITEMS

21. Northern California summer steelhead

Consider ratifying findings for the decision to list northern California summer steelhead (*Oncorhynchus mykiss irideus*) as endangered under CESA.
(Pursuant to sections 2074 and 2074.2, Fish and Game Code)

22. Desert pupfish

Receive presentation on the Department's five-year status review report for desert pupfish (*Cyprinodon macularius*), which is listed as endangered under CESA.
(Pursuant to sections 2074 and 2074.2, Fish and Game Code)

23. Southern California Steelhead

Consider and potentially act on the petition, Department's evaluation report and comments received to determine whether listing southern California steelhead (*Oncorhynchus mykiss*) as endangered under CESA may be warranted.
(Pursuant to sections 2074 and 2074.2, Title 14, CCR)

If the Commission determines that listing may be warranted, the Department will undertake a one-year status review before the Commission can make a final decision on listing, and southern California steelhead will become a candidate species pursuant to Section 2074.2 of the Fish and Game Code.

24. Conditional take of southern California steelhead

If the Commission determines that listing may be warranted, consider regulatory action to allow take of southern California steelhead (*Oncorhynchus mykiss*) under certain circumstances by either authorizing a notice of intent to adopt a regulation at a future meeting or adopting an emergency regulation at this meeting, and consider taking final action under the California Environmental Quality Act.
(Pursuant to sections 399 and 2084, Fish and Game Code)

25. Game fish contests

Consider authorizing publication of notice of intent to amend game fish contest regulations. (Amend Section 230, Title 14, CCR)

26. Sport fishing regulations updates

Consider authorizing publication of notice of intent to amend freshwater and ocean sport fishing regulations. (Amend sections 2.00, 2.25, 2.30, 5.00, 5.15, 5.41, 5.75, 5.79, 5.85, 5.87, 7.40, 7.50, 8.00, and 29.85, Title 14, CCR)

27. Central Valley sport fishing

Discuss proposed amendments to Central Valley sport fishing regulations.
(Amend subsections 7.40(b)(4), (43), (66) and (80), Title 14, CCR)

28. Klamath River Basin sport fishing

Discuss proposed amendments to Klamath River Basin sport fishing regulations.
(Amend subsection 7.40(b)(50), Title 14, CCR)

29. Waterfowl hunting

Consider adopting proposed amendments to waterfowl hunting regulations.
(Amend Section 502, Title 14, CCR)

30. Regulation change petitions (wildlife and inland fisheries)

(A) New petitions

Receive new petitions for regulation change.
(Pursuant to Section 662, Title 14, CCR)

Consideration of whether to grant, deny, or refer for additional review is expected to be scheduled for the June 15-16, 2022 meeting.

(B) Previously received petitions

Consider whether to grant, deny, or refer for additional review, petitions for regulation change received at previous meetings. Any petitions granted today will be added to the Commission's rulemaking calendar for development and future consideration.

(Pursuant to Section 662, Title 14, CCR)

I. *Petition 2021-020*: Request to adopt special regulations for the North Yuba River

II. *Petition 2021-027*: Request to eliminate open hunting season for black bear until the Department's bear management plan is updated

III. *Petition 2022-01*: Request to prohibit waterfowl hunting in specific areas along the shoreline near Benicia and Southhampton Bay

IV. *Petition 2022-02*: Request to create a new class of deer hunting tags restricted to method of take such as traditional archery and muzzleloading shotgun and rifle.

31. Non-regulatory requests from previous meetings (wildlife and inland fisheries)

Consider and potentially act on requests for non-regulatory action received from members of the public at previous meetings.

32. Committee and Department reports

Receive updates on items of note since the previous Commission meeting.

(A) ***Wildlife Resources Committee***

Discuss referred topics and consider revisions to topics and timing. Consider approving draft agenda topics for the next committee meeting on May 19, 2022.

(B) ***Department Wildlife and Fisheries Division, and Ecosystem Conservation Division***

33. Commission administrative items

(A) Legislation and other agency regulations

(B) Rulemaking timetable updates

(C) Future meetings – May 19 and June 15-16, 2022

(D) New business

Adjourn

EXECUTIVE SESSION

(Not Open to Public)

At a convenient time during the regular agenda of the meeting listed above, the Commission will recess from the public portion of the agenda and conduct a closed session on the agenda items below. The Commission is authorized to discuss these matters in a closed session pursuant to Government Code Section 11126, subdivisions (a)(1), (c)(3), and (e)(1), and Fish and Game Code Section 309. After closed session, the Commission will reconvene in public session, which may include announcements about actions taken during closed session.

- (A) Pending litigation to which the Commission is a Party
 - I. Almond Alliance of California et al. v. California Fish and Game Commission and California Department of Fish and Wildlife (bumble bees California Endangered Species Act determination)
 - II. The Ballona Wetlands Land Trust v. California Fish and Game Commission (Ballona Wetlands Ecological Reserve petition for regulation change)
 - III. California Construction and Industrial Materials Association et al. v. California Fish and Game Commission (western Joshua tree California Endangered Species Act determination)
 - IV. Albert Thomas Paulek v. California Fish and Game Commission (CEQA determination regarding Section 749.10, Title 14, CCR authorizing take of western Joshua tree under 2084)
 - V. Albert Thomas Paulek v. California Fish and Game Commission (CEQA determination regarding Sections 749.11 and 749.12, Title 14, CCR authorizing take of western Joshua tree under section 2084)
 - VI. Fall River Conservancy and California Trout v. California Fish and Game Commission and California Department of Fish and Wildlife (CEQA determination regarding amendments to inland trout regulations)
- (B) Possible litigation involving the Commission
- (C) Staffing
- (D) Deliberation and action on license and permit items
 - I. Consider the proposed decision in Agency Case No. 17ALJ12-FGC, the appeal filed by Mai A Ngo Tran regarding reinstatement of sport fishing privileges, and Agency Case No. 19ALJ18-FGC, the appeal filed by Minh Gia Tran regarding reinstatement of sport fishing privileges.
 - II. Consider the proposed decision in Agency Case No. 19ALJ09-FGC, the accusation filed against John Crowe regarding revocation of a commercial fishing license and a lobster operating permit.

California Fish and Game Commission 2022 Meeting Schedule

Note: As meeting dates and locations can change, please visit www.fgc.ca.gov for the most current list of meeting dates and locations. All Commission meetings will include a webinar/teleconference option for attendance and every effort will be made to ensure that committee meetings include the same.

Meeting Date	Commission Meeting	Committee Meeting
May 19	Redding (teleconference)	
May 19		Wildlife Resources Redding
June 15-16	Los Angeles/Orange County	
July 14		Marine Resources San Diego area
August 16		Tribal Fortuna
August 17-18	Fortuna	
September 15		Wildlife Resources Los Angeles/Inland Empire
October 12-13	Truckee	
November 17		Marine Resources Monterey area
December 13		Tribal San Diego area
December 14-15	San Diego area	

Other Meetings of Interest

Association of Fish and Wildlife Agencies

- September 18-21, 2022 – Fort Worth, TX

Pacific Fishery Management Council

- June 7-14, 2022 – Vancouver, WA
- September 7-14, 2022 – Boise, ID
- November 2-8, 2022 – Orange County, CA

Pacific Flyway Council

- August 26, 2022 – Juneau, AK

Western Association of Fish and Wildlife Agencies

- July 10-15, 2022 – Oklahoma City, OK

Wildlife Conservation Board

- May 26, 2022 – Sacramento, CA
- August 25, 2022 – Sacramento, CA
- November 17, 2022 – Sacramento, CA

Important Commission Meeting Procedures Information

Welcome to a Meeting of the California Fish and Game Commission

April marks the beginning 153 years of operation of the Commission in partnership with the California Department of Fish and Wildlife. Our goal is the preservation of our heritage and conservation of our natural resources through informed decision making; Commission meetings are vital in achieving that goal and we provide this information to be as effective and efficient toward that end. Welcome, and please let us know if you have any questions.

Persons with Disabilities

Persons with disabilities needing reasonable accommodation to participate in public meetings or other Commission activities are invited to contact the Department's Equal Employment Opportunity (EEO) Office at EEO@wildlife.ca.gov. Accommodation requests for facility and/or meeting accessibility and requests for American Sign Language interpreters should be submitted at least two weeks prior to the event. Requests for real-time captioners should be submitted at least four weeks prior to the event. These timeframes are to help ensure that the requested accommodation is met. If a request for an accommodation has been submitted but is no longer needed, please contact the EEO Office immediately.

Stay Informed

To receive meeting agendas and regulatory notices about those subjects of interest to you, visit the Commission's website, www.fgc.ca.gov, to sign up on our electronic mailing lists.

Submitting Written Comments

The public is encouraged to comment on any agenda item. Submit written comments by one of the following methods: E-mail to fgc@fgc.ca.gov; mail to California Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244-2090; deliver to California Fish and Game Commission, 715 P Street, 16th Floor, Sacramento, CA 95814 (you must call at least one business day in advance to arrange delivery), or in person at a Commission meeting. Materials provided to the Commission may be made available to the general public.

Comment Deadlines

The **Comment Deadline** for this meeting is **5:00 p.m. on April 7, 2022**. Written comments received at the Commission office by this deadline will be made available to Commissioners prior to the meeting.

The **Supplemental Comment Deadline** for this meeting is **noon on April 15, 2022**. Comments received by this deadline will be made available to Commissioners at the meeting.

Written comments will not be accepted after the supplemental comment deadline.

Petitions for Regulation Change

Any person requesting that the Commission adopt, amend, or repeal a regulation must complete and submit form FGC 1, *Petition to the California Fish and Game Commission for Regulation Change* (as required by Section 662, Title 14, CCR), available at <https://fgc.ca.gov/Regulations/Petition-for-Regulation-Change>. To be received by the Commission at this meeting, petition forms must be delivered by the **Supplemental Comment Deadline** (or delivered in person at the meeting during the regulation change petitions agenda item). Petitions received at this meeting will be scheduled for consideration at the next

regularly scheduled business meeting, unless the petition is rejected under staff review pursuant to subsection 662(b), Title 14, CCR.

Non-Regulatory Requests

All non-regulatory requests will follow a two-meeting cycle to ensure proper review and thorough consideration of each item. All requests submitted by the **Supplemental Comment Deadline** (or heard during general public comment at the meeting) will be scheduled for receipt at this meeting and scheduled for consideration at the next regularly scheduled business meeting.

Speaking at the Meeting

To speak on an agenda item in-person, please complete a “speaker card” and provide it to the designated staff member before the agenda item is announced. Cards will be available near the entrance of the meeting room. Only one speaker card is necessary for speaking to multiple items.

To speak on an agenda item by webinar/teleconference, pre-registration via Zoom is requested; please see the [instructions for joining the meeting](#) to pre-register. If you do not pre-register to speak, you will be asked to “raise” your hand either through the Zoom function or by pressing *9 once on your phone when prompted at the beginning of the agenda item.

1. In-person speakers will be identified in groups; please line up when your name is called. Speakers by webinar/teleconference will be identified two at a time; please pay attention to when your name is called.
2. When addressing the Commission, please give your name and the name of any organization you represent, and provide your comments on the item under consideration.
3. If there are several speakers with the same concerns, please appoint a spokesperson and avoid repetitive testimony.
4. The presiding commissioner will allot between one and three minutes per speaker per agenda item, subject to the following exceptions:
 - a. The presiding commissioner may allow up to five minutes to an individual speaker if a minimum of three individuals who are present when the agenda item is called have ceded their time to the designated spokesperson, and the individuals ceding time forfeit their right to speak to the agenda item.
 - b. In-person participants ceding their time shall complete a speaker card and approach the staff table with the spokesperson so that staff may confirm the presence of those ceding their time. Those participating via Zoom and ceding their time to another speaker, must pre-register to speak on the agenda item, indicate in their registration to whom they are ceding their time, and be present on Zoom during the agenda item.
 - c. Individuals may receive advance approval for additional time to speak if requests for additional time to speak are received by email or delivery to the Commission office by the **Supplemental Comment Deadline**. The president or designee will approve or deny the request no later than 5:00 p.m. two days prior to the meeting.
 - d. An individual requiring an interpreter is entitled to at least twice the allotted time pursuant to Government Code Section 11125.7(c).

- e. An individual may receive additional time to speak to an agenda item at the request of any commissioner.

Visual Presentations/Materials

All electronic presentations must be submitted by the ***Supplemental Comment Deadline*** and approved by the Commission executive director before the meeting.

1. Electronic presentations must be provided by email to fgc@fgc.ca.gov. If the presentation file is too large to send via email, contact staff to identify an alternative method for submitting the file.
2. All electronic formats must be Windows PC compatible.
3. If presenting at the in-person meeting location, it is recommended that a print copy of any electronic presentation be submitted in case of technical difficulties.